

§ 197.570 Recordkeeping.

(a) *Record of personal exposure monitoring.* (1) The employer shall maintain an accurate record of all monitoring conducted in compliance with § 197.540 for three years.

(2) The record must include—

(i) The dates, number, duration, and results of each sample taken, and a description of the procedure used to determine representative personal exposures;

(ii) A description of the sampling and analytical methods used;

(iii) A description of the type of respirator and personal protective clothing and equipment worn, if any; and

(iv) The name, social security number, and job classification of each person monitored and of all other persons whose exposure the monitoring is intended to represent; and

(v) The exposure levels to which monitored persons were subjected, even if this level is below the PEL.

(b) *Medical record.* (1) The employer shall maintain an accurate medical record for each employee subjected to medical surveillance specified in § 197.560 for three years after the employee's employment is terminated.

(2) The record must include—

(i) The name and social security number of the employee;

(ii) The physician's written opinion on the initial, periodic, and special examinations of the employee, including the results of medical examinations and tests and all opinions and recommendations;

(iii) A list of medical complaints, if any, by the employee related to exposure to benzene;

(iv) A copy of the information provided to the physician required in § 197.560(f)(2) through (f)(5); and

(v) A copy of the employee's medical and work history related to exposure to benzene or other hematologic toxin.

(c) *Availability of records.* (1) All records required to be maintained by this section must be made available upon request to the Coast Guard.

(2) Records of personal exposure monitoring in compliance with (a) of this section must be provided upon request to persons involved in the operation.

(3) A copy of each item entered into the medical record in compliance with

paragraph (b) of this section for a particular employee must be given to that employee at the time the item is entered into the medical record.

(4) Medical records required by paragraph (b) of this section must be provided to persons upon the written request of the subject employee.

(d) *Transfer of records.* (1) If the employer ceases to do business and there is no successor to receive and retain the records for the prescribed period, the employer shall make the best effort to transfer all records required in paragraphs (a) and (b) of this section relating to the affected employees to those employees for their disposition. Before transferring medical records to former employees, the employer shall determine whether any forwarding address provided by the employee is still valid and whether the employee desires the records. If a current or former employee refuses to accept the records or does not respond to notification of their availability, the records shall be destroyed.

(2) If the employer ceases to engage in operations involving benzene, the employer shall retain the records for inspection unless the employee requests them as provided in § 197.570(c).

(e) *Confidentiality of records.* Except as specifically required by this Subpart, the employer shall keep confidential all records required to be maintained by this Subpart.

§ 197.575 Observation of monitoring.

(a) Persons involved in benzene operations or their representatives must be provided with an opportunity to observe all monitoring in compliance with § 197.540. Coast Guard officials may also observe all monitoring in compliance with § 197.540.

(b) When observation of monitoring requires entry into regulated areas, the observers shall use respirator and personal protective clothing and equipment approved in compliance with this subpart and comply with § 197.530.

§ 197.580 Appendices.

(a) Appendices A through D and F of this subpart contain technical information on benzene and its effects and provide guidance for medical surveillance,